

(Through Video Conferencing)

CRM-M-26201 of 2020

Date of Decision: 09.10.2020

Anil Kumar @ Monu

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Vikram Bishnoi, Advocate,
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

Ms. Bhawna Grewal, Advocate,
for respondent No.2.**NIRMALJIT KAUR, J. (ORAL)**

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.580 dated 14.11.2019, under Sections 279/337/338 of IPC, registered at Police Station Mahendergarh, District Mahendergarh and all other subsequent proceedings arising out therefrom on the basis of compromise, dated 25.08.2020, Annexure P-2.

Vide order dated 04.09.2020, Coordinate Bench of this Court directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the genuineness of the compromise and the Court was directed that the Illaqa Magistrate/trial Court after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

The report of the Additional Civil Judge (Sr. Division), Mohindergarh has been forwarded by learned District and Sessions Judge, Narnaul vide his forwarding letter No.12180 dated 11.09.2020. As per report of the Additional Civil Judge (Senior Division), Narnaul dated 10.09.2020, the parties have compromised the matter. It is further confirmed in the said report that the compromise was genuine, voluntary and was effected without any threat, fear, inducement and pressure. There was only one accused in the FIR namely Anil @ Monu and was never declared as proclaimed person.

In view of the above, it is evident that the compromise is genuine.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs State of Punjab**, 2008 (2) RCR (Criminal) 429, observed as under:-

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.”

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Vs State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, too stated that “the compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a

compromise which in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

The learned counsel for the complainant confirms the compromise and stated that she has instructions to state that the complainant has no objection, if the FIR is quashed.

In view of the above, this Court has no inhibition in accepting the compromise and to quash the FIR on the basis of said compromise.

Accordingly, the present petition is allowed and the FIR No.580 dated 14.11.2019, under Sections 279/337/338 of IPC, registered at Police Station Mahendergarh, District Mahendergarh and all other consequential proceedings arising out of it are quashed.

It goes without saying that the parties will be bound by the said compromise.

09.10.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No